

A
S K E T C H
O F
NEEDWOOD FOREST,
A N D
P R O P O S A L
For a DIVISION of it.

[3^d of June, 1778.]

394

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7

NEEDWOOD

The PROPOSAL of the Officers of the Crown, to the Freeholders and other Persons in the County of *Stafford*, for a Division



HEREAS, in the Year 1656, a Treaty was set on Foot by the then Ruling Powers for a *Partition of the Forest of Needwood*, and Commissioners and Surveyors were appointed, as well on the Part of the State, as on the Part of the Freeholders, for settling the Terms and Conditions thereof; and after the Claims of all Persons interested had been fully examined into by the Commissioners, it was in the Year 1658 finally settled and agreed, that *One Half of the Open Forest*, (the whole containing 9220 Acres, 1 Rood, and 24 Poles) and also *One Tenth Part of the Timber* should be allotted and allowed to the Freeholders in lieu of all their Rights and Interests, and that *the Other Half of the Open Forest*, and *the Rest of the Timber*, should remain the Property of the State; it was also agreed, that the Freeholders Share of the Forest should be apportioned to the several Towns, in the several Quantities stated on the Plan hereunto annexed, and the same were accordingly staked out and allotted; but King Charles the Second, on his Restoration, choosing to preserve the Forest in it's original State, did not confirm the said Partition, and therefore it was not suffered to be compleated. AND WHEREAS, by an Order of the Right Honourable the Chancellor and the Council of His Majesty's Duchy of *Lancaster*, bearing Date the 27th Day of *May* last, taking Notice, that the King's Majesty, in Right of His Duchy of *Lancaster*, is seized of the said Forest, and of the Soil thereof, subject to such Right of Common, and other Rights, as the Owners and Occupiers of Houses and Lands in certain Towns within or near unto the said Forest are, in respect thereof, intituled unto within and upon the same; that the said Forest is situate in the Centre of a very populous Part of the Kingdom, and in the Vicinity of the City of *Litchfield*, and of the Towns of *Stafford*, *Derby*, *Birmingham*, *Burton*, *Uttoxetun*, and *Pagets Bromley*; that although the greater Part, if not the whole, of the said Forest is naturally rich and fertile, and the Stock of Deer thereon but small, yet that by means of the limited Rights of the Commoners upon the said Forest, the great Extent of the Thickets and Coverts, the unimproved State of the Lawns and Plains, and the great Number of Avenues communicating with or opening upon, the said Forest, which render the Safety of the Cattle turned and kept thereon precarious and hazardous, the real Benefits arising to the Commoners and to the Community from the said Forest are of trifling Account, in Comparison of what might be derived therefrom, *if the Deer were to be destroyed, and the Forest brought into a State of Cultivation*; that the Inclosure and Improvement of Wastes in general are attended with great Benefits, as well to the *Individuals* immediately interested therein, as to the *Community*; that the *Extent and Situation* of this Forest are such as render an Inclosure thereof peculiarly desirable; and that *the King's Majesty* hath been graciously pleased to signify to his Lordship the Chancellor of the said Duchy *His Majesty's Readiness* to concur in a Partition thereof, upon the Terms agreed to in the said Year 1658: Upon Consideration of all which Circumstances, the Right Honourable the Chancellor and the Council of the said Court did, by the said Order on the Part of His Majesty, declare their Readiness to concur with the Freeholders and others, having Rights of Common in the said Forest, in a Partition and Division thereof, upon the Proportion and according to the Mode agreed upon in the said Year 1658; and it was thereupon Ordered, that *His Majesty's Axbearer of the said Forest* and *the Receiver of the King's Revenues* arising within the County of *Stafford*, should communicate to the Freeholders, and other Persons interested in the said Forest, the following Plan, *as the Proposal of that Court on the Part of the Crown for a Partition thereof*.—In pursuance of the said Order, we the said Axbearer and Receiver do propose the following Plan, *for a Division of the said Forest*, unto the said Freeholders, and other Persons interested, for their Consideration, to be carried into Execution by a Bill in Parliament, in case the same shall meet with their Approbation and Consent.

First, THAT there shall be allotted to each respective Town, freed and discharged from all Rights of the Crown, the several Lots of Ground described on the annexed Plan, containing together 4610 Acres and 24 Poles, *being One Moiety of the whole Forest*, (exclusive of all Incroachments) and that every Town desirous of subdividing its Allotment shall be at Liberty to insert in the Act of Parliament suitable Provisions for that Purpose; and that general Powers shall also be inserted therein for the Inhabitants of each Town, who shall resolve to keep their Allotment as a Common, from Time to Time to make Rules and Orders amongst themselves, for regulating the Use and Enjoyment of such Common.

D F O R E S T.

the Duchy of *Lancaster*, on the Part of the
persons interested in the Forest of *Needwood*,
ION of the said Forest.

holders Allotments down to *Six Inches Girth*, and within a reasonable Time to be limited, make a Duplicate of their Account and Valuation of the said Trees and Pollards, verified by their Oath, and deliver one of such Duplicates to the *Receiver General of the Duchy*, and the other of such Duplicates unto the *Clerk of the Peace* for the County of *Stafford*, for the Inspection of all Parties interested; and that upon Payment by the said Receiver-General, into the Hands of the *Overseer or Overseers of the Poor* of each respective Town, it's due Proportion of such *Tenth Part* of the said Value, all the said Trees and Pollards so marked shall be the Property of the King; and *Three Years* shall be allowed to the Officers of the Crown for felling and clearing away the same. But no Part of the said Trees or Pollards shall be cut down, until the *Receiver-General* shall have made such Payment to the Overseer or Overseers as aforesaid; and that all Trees standing on each respective Allotment, being under Six Inches Girth, shall belong to the Town intituled to such Allotment.

Sixthly, THAT out of the Money so to be paid into the Hands of the *Overseers* of the Poor of each Town, the said *Overseers* shall in the first Place defray the Expences of making it's due Proportion of the *Fences and Gates*, where any such shall be necessary, for separating it's Allotment from the Allotment of the adjoining Town; and after Payment thereof, the *Residue* of the said Money may, if the Freeholders approve of it, be applied in Aid of the *Land Tax* or of the *Poor's Rates* of each respective Town intituled thereto; and where there are no such Fences or Gates to be made, the whole of such Town's Share of the said Money may be in like Manner applied in Aid of *Taxes or Rates*, as the Freeholders shall think fit.

Seventhly, THAT a sufficient Part of the King's Allotment shall be sold in *Fee Simple*; and that the Money therefrom arising, and also the Money to arise from the said Timber and Pollards, (after deducting what shall have been paid to the said Overseers for the Tenth Part of the Value thereof) shall be applied by the King's Receiver under the Direction of the Duchy Court, towards defraying the Expence of obtaining the Act of Parliament, and of surveying the Forest, and making Fences for separating the King's Allotment from the Freeholders Allotments, and what shall remain of such Fund shall belong to the King; but if it shall be insufficient, the Deficiency shall be made good out of the other Part of the King's Revenues.

Eighthly, THAT all the Fences of the King's Allotment shall be repaired by the Crown or it's Tenants, and that where the Freeholders Allotments shall adjoin to each other, each Town shall repair and maintain it's Share of the Fences for dividing the same, according to the Proportions which such Fences shall bear to the Quantity of Ground contained in the Allotments benefited thereby.

Ninthly, THAT, before the passing the Act of Parliament, proper Roads and Ways shall be staked out, and an actual *Admeasurement* and Survey made of the whole Forest, by a proper Surveyor to be appointed by the Duchy Court, thereby describing the said Roads and Ways, and all Inclosures and Incroachments, and distinguishing the Incroachments from the Freehold and Copyhold Tenements thereon; and that Duplicates of such Survey and of the Field Book shall (without any Expence to the Freeholders) be deposited, for the safe Custody thereof, one with the *Clerk of the Peace*, and the other in the *Parish Chest* belonging to *Yoxall*, for the Use and Inspection of all Persons concerned.

Tenthly, INASMUCH as the exact Situation or Boundaries of the Allotments of the respective Towns, as set out in 1658, cannot be now discovered with any Degree of Precision, it is proposed that the Allotments to *Marchington*, *Marchington-Woodlands*, *Houndhill*, *Stubby-Lane*, *Scropton*, *Moorton*, and *Draycott*, containing together 1107 Acres, 3 Roods, and 38 Perches, shall be accepted by the Freeholders of those Seven Towns in one Lot as described on the Plan, and be afterwards subdivided between those respective Towns by such Person or Persons as the Freeholders of the said Towns shall name, in Proportion to the Quantities allotted in 1658, giving or taking and allowing, according to Quantity, Quality, Situation and Value of the Whole of that Allotment; and that the Allotments of *Coton*, *Fawld*, *Hanbury*, and *Hanbury-Woodend*, containing together 315 Acres, and 36 Perches, shall be accepted by the Freeholders of those Towns in One Allotment as described in the Plan, and be in like Manner subdivided between such respective Towns, in Proportion to the Quantities allotted in 1658, giving or taking and allowing according to Quantity, Quality, Situ-

such Right of Common, and other Rights, as the Owners and Occupiers of Houses and Lands in certain Towns within or near unto the said Forest are, in respect thereof, intituled unto within and upon the same; that the said Forest is situate in the Centre of a very populous Part of the Kingdom, and in the Vicinity of the City of *Litchfield*, and of the Towns of *Stafford*, *Derby*, *Birmingham*, *Burton*, *Uttoxeter*, and *Pagets Bromley*; that although the greater Part, if not the whole, of the said Forest is naturally rich and fertile, and the Stock of Deer thereon but small, yet that by means of the limited Rights of the Commoners upon the said Forest, the great Extent of the Thickets and Coverts, the unimproved State of the Lawns and Plains, and the great Number of Avenues communicating with or opening upon, the said Forest, which render the Safety of the Cattle turned and kept thereon precarious and hazardous, the real Benefits arising to the Commoners and to the Community from the said Forest are of trifling Account, in Comparison of what might be derived therefrom, *if the Deer were to be destroyed, and the Forest brought into a State of Cultivation*; that the Inclosure and Improvement of Wastes in general are attended with great Benefits, as well to the *Individuals* immediately interested therein, as to the *Community*; that the *Extent and Situation* of this Forest are such as render an Inclosure thereof peculiarly desirable; and that *the King's Majesty* hath been graciously pleased to signify to his Lordship the Chancellor of the said Duchy *His Majesty's Readiness* to concur in a Partition thereof, upon the Terms agreed to in the said Year 1658: Upon Consideration of all which Circumstances, the Right Honourable the Chancellor and the Council of the said Court did, by the said Order on the Part of His Majesty, declare their Readiness to concur with the Freeholders and others, having Rights of Common in the said Forest, in a Partition and Division thereof, upon the Proportion and according to the Mode agreed upon in the said Year 1658; and it was thereupon Ordered, that *His Majesty's Axbearer of the said Forest* and *the Receiver of the King's Revenues* arising within the County of *Stafford*, should communicate to the Freeholders, and other Persons interested in the said Forest, the following Plan, *as the Proposal of that Court on the Part of the Crown for a Partition thereof*.—In pursuance of the said Order, we the said Axbearer and Receiver do propose the following Plan, *for a Division of the said Forest*, unto the said Freeholders, and other Persons interested, for their Consideration, to be carried into Execution by a Bill in Parliament, in case the same shall meet with their Approbation and Consent.

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Secondly, THAT *the other Moiety of the open Forest* shall remain the Property of the King, discharged from the Rights of the Freeholders; and, in Consideration thereof, that the said Forest shall be de-afforested, and the Deer destroyed within *one Year* after passing the Act.

Thirdly, THAT Provisions shall also be made by the Act on the Behalf of all Persons who now enjoy any Incroachments on the Forest, for vesting in them and their Heirs the absolute Ownership of their respective Incroachments in Fee Simple, *without paying any Rent, Amerciament, or other Acknowledgment to the Crown*, in respect thereof; and as this Indulgence to the Holders of Incroachments *flows from His Majesty's Bounty*, no Deduction is to be made in respect thereof out of ~~the~~ the Freeholders Half of the Forest, but they are to have their full Moiety as if no Incroachment had ever been made, so that the whole of the Incroachments given to the present Holders will be in *Diminution of the Quantity of the King's Share* of the Forest.

Fourthly, THAT the Allotment of every Town shall become and be made Part of the Town entitled to such respective Allotment, and be there assessable to all Rates and Taxes; and that the Incroachments immediately bordering upon or lying within the Limits of each Allotment, shall be considered as within, and be made Part of the Town to which such respective Allotment shall belong.

Fifthly, THAT the Freeholders at large shall (as in 1658) be intituled to receive *One Tenth Part of the Value* of all Oak Trees and Pollards standing on the Freeholders Allotment down to *Six Inches Girth*, to be paid by the Receiver General of the Duchy; which *Tenth Part* shall be apportioned and paid to the respective Towns according to the Quantity of the Land contained in their respective Allotments; and for adjusting the same *Two Appraisers* shall be named, *one* on the Part of the *Crown*, and the *other* on the Part of the *Freeholders*, (with Power for the Appraisers to elect an Umpire if they disagree) and that such Appraisers shall, at the King's Expence, mark and set a fair Value upon all the Maiden Trees and Pollards of Oak on the Free-

applied in Aid of the Land Tax or of the Poor's Rates of each respective Town intitled thereto; and where there are no such Fences or Gates to be made, the whole of such Town's Share of the said Money may be in like Manner applied in Aid of Taxes or Rates, as the Freeholders shall think fit.

Seventhly, THAT a sufficient Part of the King's Allotment shall be sold in *Fee Simple*; and that the Money therefrom arising, and also the Money to arise from the said Timber and Pollards, (after deducting what shall have been paid to the said Overseers for the Tenth Part of the Value thereof) shall be applied by the King's Receiver under the Direction of the Duchy Court, towards defraying the Expence of obtaining the Act of Parliament, and of surveying the Forest, and making Fences for separating the King's Allotment from the Freeholders Allotments, and what shall remain of such Fund shall belong to the King; but if it shall be insufficient, the Deficiency shall be made good out of the other Part of the King's Revenues.

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Ninthly, THAT, before the passing the Act of Parliament, proper Roads and Ways shall be staked out, and an actual *Admeasurement* and Survey made of the whole Forest, by a proper Surveyor to be appointed by the Duchy Court, thereby describing the said Roads and Ways, and all Inclosures and Incroachments, and distinguishing the Incroachments from the Freehold and Copyhold Tenements thereon; and that Duplicates of such Survey and of the Field Book shall (without any Excepe to the Freeholders) be deposited, for the safe Custody thereof, one with the *Clerk of the Peace*, and the other in the *Parish Chest* belonging to *Yoxall*, for the Use and Inspection of all Persons concerned.

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Lastly, As it is probable the Freeholders of some of the Towns may be desirous of inclosing their Shares immediately, and may also, for the Sake of Situation, wish to have their Allotments, or some Parts thereof, laid within the Lines described on the annexed Plan for the King's Allotment, it is proposed to insert in the Act a Clause for enabling the Crown to make Exchanges; and in the mean Time if any of the Freeholders will point out to the Officers of the Duchy such Variations in the Situations of their Allotments as they wish to take Place, they may be assured of being accommodated in every reasonable Requisition on that Head, and that suitable Provisions shall be made accordingly.

As every Town hath it's peculiar and independent Interests to attend to, it is recommended, as the readiest and surest Method of taking the Sense of the Country upon this weighty Matter, that a separate Meeting of the Freeholders of each Town be had, and that it be there considered how far the Terms hereby offered are expedient to be adopted, or in what respect they ought to be varied; and in case the Persons present at such Meetings shall approve of a Division of the Forest, it is submitted to their Consideration, Whether it will not be proper for them to authorize one or more of the Freeholders, then present, to act on the Part of each respective Town, and to assist the Surveyor to be employed as aforesaid in staking out Roads and Ways, and to meet the *Axbearer* and *Receiver of the Duchy* in order to treat and agree upon and finally settle the Terms and Conditions of the Division, so far as each respective Town is concerned; for which Purpose the said *Axbearer* and *Receiver* will be ready on the Part of the Crown to meet the Persons so appointed either in *London* or at the *Forest*, as they shall desire.

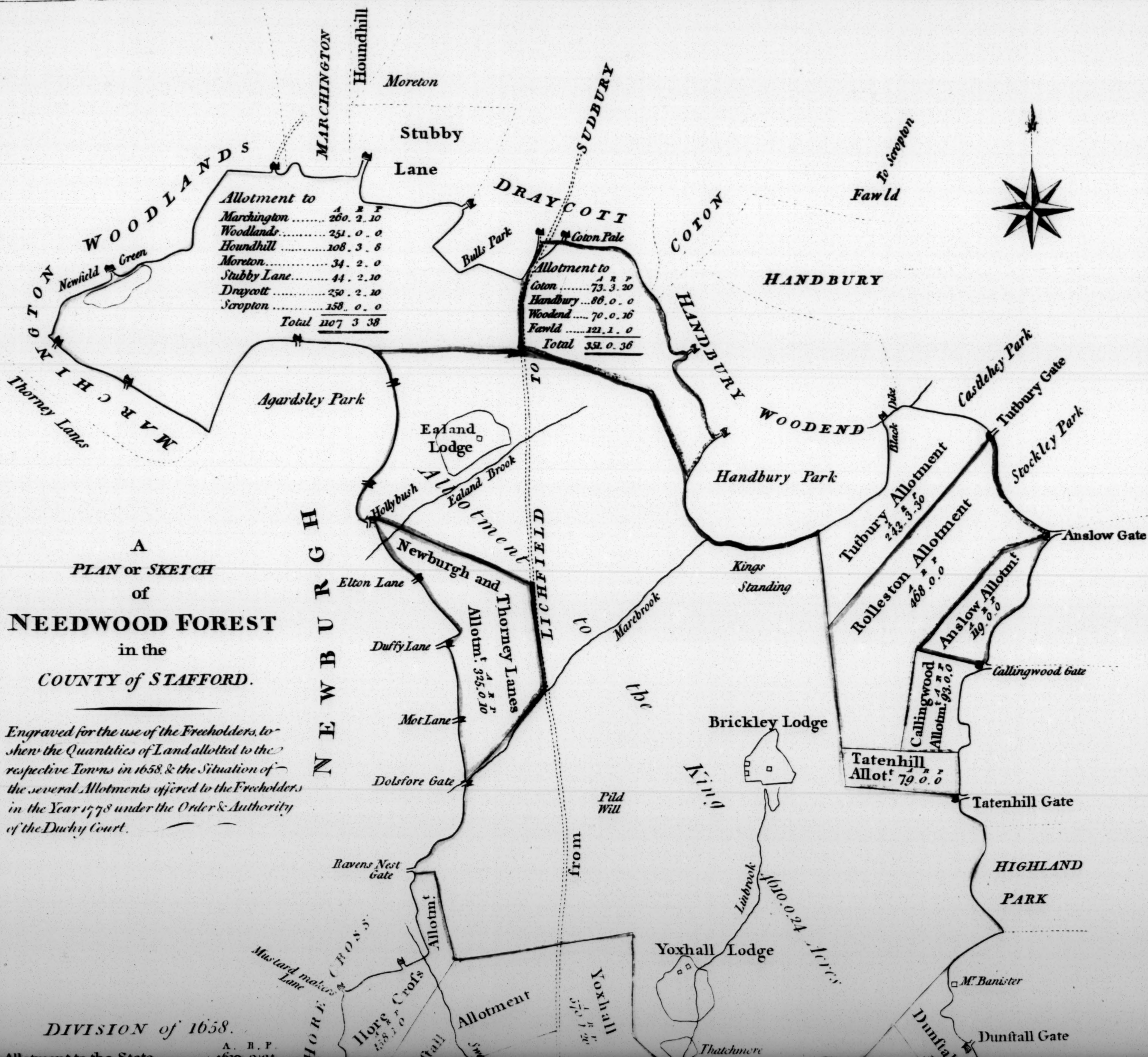
W. MASTERMAN, *Axbearer*.
F R A. RUSSELL, *Receiver*.

A
PLAN or SKETCH
of
NEEDWOOD FOREST
in the
COUNTY of STAFFORD.

Engraved for the use of the Freeholders, to
shew the Quantities of Land allotted to the
respective Towns in 1658, & the Situation of
the several Allotments offered to the Freeholders
in the Year 1778 under the Order & Authority
of the Duchy Court.

DIVISION of 1658.

A. R. P.



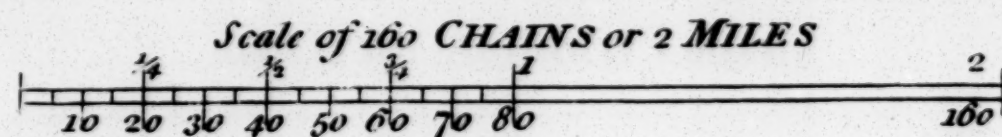
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DIVISION of 1658.

Allotment to the State	A.	B.	P.
	4610	0	24
Allotments to the Freeholders ...	4610	0	24
Total Quantity of the Forest	9220	1	8 Acres

NB. The Forest was certified in 1658 to contain
9224.1.24 but there appears to have been
a mistake in the Castings, so that only the
above Quantity can be computed upon
with certainty.



NB. For the better Information of the Freeholders, the several Allotments described
on the Plan will be forthwith marked out with Stakes.

NEWBURGH

YOXHALL

